

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 15-CR-243

KENNETH R. NEAL, JR.,

Defendant.

ORDER

In December 2015, the grand jury sitting in this district returned an indictment charging defendant Kenneth Neal, Jr. with one count of felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). (ECF No. 1.) On January 13, 2016, Neal moved under Federal Rule of Criminal Procedure 7(d) to strike surplus language in the indictment that claims that he is an “Armed Career Criminal” and details his criminal history. (ECF No. 13.) Neal contends that these allegations are relevant only for purposes of sentencing and thus may be stricken from the indictment. The government does not oppose Neal’s motion. (ECF No. 15.)

IT IS THEREFORE ORDERED that the defendant's Motion to Strike Surplusage from the Indictment (ECF No. 13) is **granted**. The indictment shall be amended as set forth in the government's response. (ECF No. 15.)

Your attention is directed to 28 U.S.C. § 636(b)(1)(A) and Fed. R. Crim. P. 59(a) whereby written objections to any order herein or part thereof may be filed within fourteen days of service of this order or prior to the Final Pretrial Conference, whichever is earlier. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Failure to file a timely objection with the district court shall result in a waiver of a party's right to appeal.

Dated at Milwaukee, Wisconsin this 11th day of February, 2016.


WILLIAM E. DUFFIN
U.S. Magistrate Judge